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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,789	01/22/2001	Chengwen Robert Chu	343355600020	8356

7590 11/03/2005
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER

DODDS, HAROLD E

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/766,789	Applicant(s) CHU ET AL.	
Examiner Harold E. Dodds, Jr.	Art Unit 2168	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

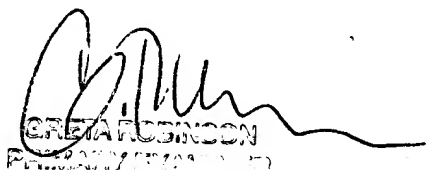
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 6 and 39.
Claim(s) rejected: 1-5, 7-38 and 40-63.
Claim(s) withdrawn from consideration: _____.

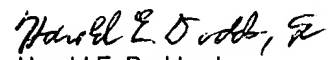
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


GRETA ROBINSON
Patent Examiner


Harold E. Dodds, Jr.
Patent Examiner
10/28/05

Office Action Summary

Application No.

09/766,789

Applicant(s)

CHU ET AL.

Examiner

Harold E. Dodds, Jr.

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-38, and 40-63 is/are rejected.
- 7) ☒ Claim(s) 6 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of 11. does NOT place the application in condition for allowance because: Claims 1 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sang'udi et al. (U.S. Patent No. 6,480,194) and Anwar (U.S. Patent No. 6,750,864). Sang'udi teaches "a computer data store for storing input data that has dimension variables" at col. 12, lines 13-16, col. 5, lines 49-51, and col. 9, lines 25-27, "connected to the data store" at col. 12, lines 13-16, "the input data" at col. 5, lines 49-51, and "and a multi-dimension viewer" at col. 9, lines 25-30 and Anwar teaches "and at least one target variable" at col. 48, lines 13-26, "a decision tree processing module" at col. 3, lines 10-17, "that determines a subset of the dimension variables for splitting" at col. 44, lines 31-34, col. 36, lines 19-23, and col. 20, lines 38-41, "wherein the splitting by the dimension variable subset" at col. 20, lines 38-41, col. 36, lines 19-23, and col. 44, lines 31-34, "predicts the target variable" at col. 5, lines 59-67, col. 6, line 1, and col. 48, lines 13-26, "and wherein the decision tree processing module" at col. 3, lines 10-17, "automatically determines the subset of the dimension variables" at col. 26, lines 63-65, col. 44, lines 31-34, and col. 36, lines 19-23, "that generates a report" at col. 10, lines 12-17 and col. 48, lines 19-20, "using the determined dimension variables subset" at col. 36, lines 19-23 and col. 44, lines 31-34, and "and the splitting of the dimension variables" at col. 20, lines 38-41 and col. 36, lines 19-23. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anwar (U.S. Patent No. 6,750,864), Sang'udi et al. (U.S. Patent No. 6,480,194), and Thomas (U.S. Patent No. 6,490,719). Anwar teaches "and target variables" at col. 48, lines 13-26, "receiving a request" at col. 39, lines 44-50, "after receiving the request" at col. 39, lines 44-50, "determining a subset of the dimension variables for splitting" at col. 44, lines 31-34, col. 36, lines 19-23, and col. 20, lines 38-41, "wherein the splitting using the dimension variable subset" at col. 20, lines 38-41, col. 44, lines 31-34, and col. 36, lines 19-23, "predicts the target variable" at col. 5, lines 59-67, col. 6, line 1, and col. 48, lines 13-26, "wherein the subset of the dimension variables is automatically determined" at col. 44, lines 31-34, col. 36, lines 19-23, and col. 26, lines 63-65, "displaying the determined dimension variables subset and the dimension variables" at col. 5, lines 59-67, col. 6, line 1, col. 36, lines 19-23, and col. 44, lines 31-34, "can alter which of the dimension variables are included in the dimension variables subset" at col. 29, lines 51-56, col. 36, lines 19-23, and 44, lines 31-34, "and generating a report" at col. 10, lines 12-17 and col. 48, lines 19-20, "using the dimension variables subset as altered" at col. 36, lines 19-23, 44, lines 31-34, and col. 29, lines 51-56, "whereby the generated report" at col. 10, lines 12-17 and col. 48, lines 19-20, and "is used for multi-dimension data analysis" at col. 8, lines 20-22, Sang'udi teaches "storing input data that has dimension" at col. 12, lines 13-16, col. 5, lines 49-51, and col. 9, lines 25-27, "to analyze the stored input data" at col. 14, lines 19-22, col. 12, lines 13-16, and col. 5, lines 49-51, and "the input data" at col. 5, lines 49-51, and Thomas teaches "from the non-technical individual" at col. 26, lines 21-24, "so that the non-technical individual" at col. 26, lines 21-24, "for the non-technical personnel" at col. 26, lines 21-24, "by the non-technical individual" at col. 26, lines 21-24, and "by the non-technical individual" at col. 26, lines 21-24.